

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PRICASPIAN DEVELOPMENT
CORPORATION et al.,

Plaintiffs,

v.

WILLIAM C. MARTUCCI et al.,

Defendants.

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Civil Action No. 11-1459 (SRC)

OPINION & ORDER

CHESLER, U.S.D.J.

This matter comes before this Court on the motion for judgment on the pleadings by Defendant Anthony Sterbens. Sterbens' motion contends that this Court lacks subject matter jurisdiction over this case because the claims under federal law have been dismissed, and the Complaint does not properly allege diversity jurisdiction.

Sterbens is incorrect. In the Opinion filed by this Court on January 9, 2014, this Court granted the cross-motion for summary judgment of Defendants Richard Schaefer, Joseph Schaefer, and Anthony Sterbens, and Ordered that the RICO claims, Counts Seven and Eight, be dismissed as to those Defendants only. The Court expressly noted that Defendant William Martucci had not moved to dismiss these counts. (Op. of 1/9/14 at 10.) The Complaint asserts Counts Seven and Eight against many more Defendants than Richard Schaefer, Joseph Schaefer, and Anthony Sterbens. As a result, the RICO claims against Martucci and others are still pending, and provide a basis for federal question jurisdiction over this case. Sterbens has not argued that this Court lacks supplemental jurisdiction over the remaining claims, pursuant to 28

U.S.C. § 1367(a). The motion to dismiss for lack of subject matter jurisdiction will be denied.

For these reasons,

IT IS on this 18th day of February, 2016

ORDERED that Sterbens' motion to dismiss (Docket Entry No. 362) is **DENIED**.

/s Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge